

10-19-04
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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Jeffrey Clet

SUBJECT: Safely Surrendered Baby Law

DATE: 10-12-04

Approved

Date

10/13/04

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to: (1) request that the Santa Clara County Board of Supervisors designate all City of San Jose Fire Stations as Safe Surrender Sites for newborn abandoned infants pursuant to Health & Safety Code Section 1255.7 (Safe Surrender Law), upon adoption of a Countywide Safe Surrender Implementation Plan, and the designation of fire stations countywide as Safe Surrender Sites; and (2) to execute any documents necessary to effectuate designation of the City Fire Stations as Safe Surrender Sites.

BACKGROUND

The Safely Surrendered Baby Law (also known as the Safe Haven or Newborn Abandonment Law) went into effect January 1, 2001. The Law authorizes the Santa Clara County Board of Supervisors to designate locations where newborn infants (less than 72 hours) may be confidentially surrendered, by a parent or guardian having lawful custody of the infant, without fear of criminal prosecution. This legislation was amended effective August 31, 2003 to expand the criteria for Safe Surrender personnel authorized to accept physical custody of surrendered infants; enhance the confidentiality afforded to parents who surrender an infant; require uniform signage for Safe Surrender sites; and ensure that Safe Surrender sites notify Child Protective Services as soon as possible after an infant has been surrendered.

ANALYSIS

"Safe Havens" are a part of a State effort to end the tragic consequences of infant abandonment. According to Santa Clara County Department of Health Services there were 4 abandoned infants documented in Santa Clara County in 2003/2004. The actual number of abandoned infants is unknown.

Until now, Santa Clara County protocol only allowed for Safe Surrender at Hospital Emergency Departments. However, in light of recent tragedies involving abandoned infants the Santa Clara County Board of Supervisors passed a resolution on August 3, 2004, which approves all Santa Clara County Fire District Stations as California Safe Surrender Sites. The Santa Clara County Fire Chiefs are proponents of a coordinated effort to create an effective Countywide Safe Surrender program. Adoption of the County resolution makes this effort more urgent as members of the public may not understand the difference between local fire station jurisdictions

The Santa Clara County fire agencies are actively participating in a Countywide Task Force that is intended to ultimately lead to the simultaneous implementation of the Safe Surrender program by all local fire jurisdictions. Countywide implementation will facilitate public educational outreach and reduced confusion regarding fire department participation. The Santa Clara County Fire District has begun developing County protocol training materials - based on the Los Angeles County Fire Department model of this program - preparatory to Santa Clara County implementation of the program this winter.

Once the Countywide Safe Surrender program is adopted and fully operational, infants will be able to be left with fire personnel at any fire station in the County. These infants will be assessed and transported to the appropriate receiving facility where custody will be transferred to appropriate hospital personnel. A medical questionnaire and information about the program will be provided to the surrendering guardian.

The City's responsibility will be to accept the child, provide medial screening and any necessary medical intervention and arrange for immediate transfer to the appropriate hospital. The City will not be subject to any civil, criminal, or administrative liability for accepting the child and caring for the child in good faith; however, acceptance of the child will not confer immunity from liability for personal injury or wrongful death.

COORDINATION

This memo has been coordinated with the City Attorney's Office.

PUBLIC OUTREACH

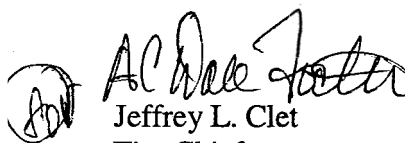
This topic has been discussed and coordinated with all fire agencies Countywide through the Santa Clara County Fire Chief's Association. In addition, the Mayor's Office in cooperation with the County, has taken the lead in advising the Public by scheduling a Countywide Press Conference on October 18, 2004 in San Jose.

COST IMPLICATIONS

The fiscal impact of the proposal is negligible, as the primary expense will be for signage, training and distribution of forms; all of which can be absorbed as part of the Fire Department EMT-1 training program curriculum.

CEQA

Not a Project.


Jeffrey L. Clet
Fire Chief